

REMARKS

This communication is in response to the office action mailed January 14, 2004 (paper 24). Claims 1-37 are pending in this application, of which claims 1-33 have
5 previously been considered and claim 34-37 are new.

Regarding Claim 1:

Claim 1 was rejected by the Examiner under 35 USC § 102(e) as being anticipated by Gever et al., U.S. Pat. No. 6,313,835 B1.

10 The basis for this rejection is the same as that offered by the Examiner in the office action of June 13, 2003 (paper 19). However, on pages 15-17 of the current office action the Examiner responds to arguments made by the Applicants. The Examiner's response addresses two assertions made by the Applicants, that Gever et al. does not disclose either a "marketing attribute" or "associating this marketing attribute with the
15 marketing object." The Examiner disagrees with these assertions.

In response, Applicants point out that a "marketing attribute" is distinguished from attributes in general. The distinction is supported in the application as filed, which provides definition and scope to the term "marketing attribute." Specific examples of support within the application have previously been pointed out by the Applicants. See,
20 for example, page 9 of the response filed Sept. 15, 2003. It remains the Applicants' position that the term "marketing attribute" must be interpreted in view of the entire specification, and when interpreted thusly, is differentiated from other attributes, such as those taught in the cited prior art.

It remains the Applicants' position that Gever et al. does not teach a "marketing attribute." The "marketing attribute" of the invention is something associable with a "marketing object container" and defines one or more characteristics of the associated "marketing object container," (see page 15, last paragraph, of the application as filed).

- 5 The Examiner states "the animation sequence editing is a form of describing timing and priority of the display of marketing objects, as long as the content of the animation is related to a marketing concept," (page 16). Applicants have previously pointed out that the animation sequence editing does not necessarily imply the existence of a marketing attribute much less a marketing attribute associable with a marketing object container.
- 10 Even assuming for the sake of argument, that some characteristic is set or specified during the sequence editing process, the Applicants are not able to find any teaching in Gever et al. that this characteristic is a marketing attribute as characterized by the specification as filed. The Applicants disagree with the Examiner's implication that "as long as the content of the animation is related to a marketing concept," some edited
- 15 characteristic of the animation is a "marketing attribute." The Applicants, therefore, respectfully request that the Examiner provide support to show how the cited text teaches a "marketing attribute."

- Further, assuming for the sake of argument that there are attributes implied by the act of editing an animation sequence, it appears to the Applicants that these attributes
- 20 would be associated with the animation sequence and would describe characteristics of the animation sequence. But, the animation sequence of Gever et al. would be considered a marketing object not a marketing object container, in view of the language of the specification. Thus, in Gever et al., any attribute implied by "the animation sequence

editing” is associated with and characterizes an object and not a *marketing object container*. The Applicants respectfully point out that because the attributes of Gever et al., are not associated with, or do not characterize, a marketing object container, they do not teach the “marketing attribute” as defined in the specification as filed.

5 It remains the Applicants’ position that Gever et al. does not teach “associating a marketing attribute with the first marketing object container.” The Examiner suggests “the user assigns conditional values to the attributes of the animation sequences” as taught by Gever et al., is equivalent to the claimed “associating a marketing attribute with the first marketing object container.” Specifically, the Examiner states “[w]hen the
10 conditional values of the attributes are assigned, the attribute values are altered and the altered values are associated with the animation sequences,” (page 16 of the current office action).

 In response, the Applicants again point out that in view of the language of the specification the animation sequence would be considered a marketing object not a
15 marketing object container. Thus, in the teaching of Gever et al. as interpreted by the Examiner, a value is assigned to an object and not associated with a *marketing object container*. This is in direct contrast with the language of claim 1, which recites “associating ... with a first marketing object container.”

 Second, the Applicants point out that assigning a conditional value to an attribute
20 is not an association of an attribute to an object container. Gever et al. clearly implies that the attribute and the value are different things. Thus, “the user assigns conditional values to the attributes...” (Gever et al.) does not teach association of an attribute to anything, much less to a marketing object container as recited in claim 1.

Regarding Claim 4:

The Examiner rejects claim 4 based on the comments made in the office action of June 13, 2003. The Applicants are not able to find a response to the arguments made on page 13 of the response filed on Sept. 15, 2003 and requests that the Examiner address
5 these comments or allow claim 4.

Regarding Claim 7:

The Examiner rejects claim 7 based on the comments made in the office action of June 13, 2003. The Applicants are not able to find a response to the arguments made on page 13 of the response filed on Sept. 15, 2003 and requests that the Examiner address
10 these comments or allow claim 7.

Regarding Claim 16:

The Examiner rejects claim 16 based on the comments made in the office action of June 13, 2003. The Applicants are not able to find a response to the arguments made on page 14 of the response filed on Sept. 15, 2003 and requests that the Examiner address
15 these comments or allow claim 16.

Regarding Claim 18:

The Examiner rejects claim 18 based on the comments made in the office action of June 13, 2003. The Applicants are not able to find a response to the arguments made on pages 14 and 15 of the response filed on Sept. 15, 2003 and requests that the Examiner
20 address these comments or allow claim 18.

Regarding Claim 20:

The Examiner rejects claim 20 based on the comments made in the office action of June 13, 2003. The Applicants are not able to find a response to the arguments made

on page 15 of the response filed on Sept. 15, 2003 and requests that the Examiner address these comments or allow claim 20.

Regarding Claim 21:

5 The Examiner rejects claim 21 based on the comments made in the office action of June 13, 2003. The Applicants are not able to find a response to the arguments made on page 15 and 16 of the response filed on Sept. 15, 2003 and requests that the Examiner address these comments or allow claim 21.

Regarding Claim 22:

10 The Examiner rejects claim 22 based on the comments made in the office action of June 13, 2003. The Applicants are not able to find a response to the arguments made on page 17 of the response filed on Sept. 15, 2003 and requests that the Examiner address these comments or allow claim 22.

Regarding Claim 26:

15 Claim 26 Recites: *The method of claim 1, wherein the marketing attribute is configured to describe a relationship of the first marketing object container with a second marketing object container.*

Regarding Claim 26, the Examiner admits that “Gever does not explicitly disclose that the marketing attribute is configured to describe a relationship of the first marketing
20 object container with a second marketing object container.” Further, the Examiner states that “it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have to include multiple marketing containers.” The Applicants respectfully point out that there is a significant difference between having multiple

marketing containers and having a “marketing attribute ... configured to describe a relationship of the first marketing object container with a second marketing object container.” One could have multiple marketing containers without having a marketing attribute configured to describe a relationship between the marketing object containers, particularly a marketing attribute that is associated with one of the marketing object containers. Therefore, the suggestion that it would be obvious to include multiple marketing containers, even if true, does not encompass all of the limitations of claim 26, when combined with the teachings of Gever. The Applicants request that the Examiner specifically point out teachings within the prior art that teach all of the limitations of claim 26, or allow claim 26.

Regarding Claim 27:

Claim 27 Recites: *The method of claim 1, wherein the marketing attribute is configured to describe what objects can be associated with the first marketing object container.*

The Applicants are unable to find any support for the Examiner’s rejection of claim 27 under 103(a) within the current office action. The Examiner’s comments with respect to claims 26-33 (pages 13 and 14) appear to be primarily directed at claim 26 and do not address the limitations of claim 27.

Regarding Claim 28:

Claim 28 recites: *The method of claim 1, wherein the marketing attribute is configured to describe timing and priority of the display of marketing objects to be associated with the first marketing object container.*

In the Examiner's comments relative to claim 1, the Examiner suggests that "the animation sequence editing [of Gever] is a form of describing timing and priority of the display of marketing objects, as long as the content of the animation is related to a marketing concept." However, the Applicants respectfully point out that the animation sequence editing of Gever is neither a marketing attribute nor an attribute assigned to a marketing object container. The Applicants request that the Examiner clarify how the act of animation sequence editing can be characterized as a marketing attribute (associated with a marketing object container).

Regarding Claim 29:

10 Claim 29 recites: *The method of claim 28, wherein the timing is on a daily, weekly, monthly or holiday basis.*

The Applicants are unable to find any support for the Examiner's rejection of claim 29 under 103(a) within the current office action. The Examiner's comments with respect to claims 26-33 (pages 13 and 14) appear to be primarily directed at claim 26 and do not address the limitations of claim 29. Further, the Examiner's comments with respect to claim 1 relate to animation sequence editing, which appears not to be "*on a daily, weekly, monthly or holiday basis.*" The Applicants, therefore, request that the Examiner address all of the limitations of claim 29, or allow claim 29.

Regarding Claim 30:

20 Claim 30 recites: *The method of claim 1, wherein the marketing attribute includes a marketing campaign.*

The Applicants are unable to find any support for the Examiner's rejection of claim 30 under 103(a) within the current office action. The Examiner's comments with

respect to claims 26-33 (pages 13 and 14) appear to be primarily directed at claim 26 and do not address the limitations of claim 30.

Regarding Claim 31:

Claim 31 recites: *The method of claim 30, wherein the marketing campaign*
5 *includes a banner ad campaign.*

The Applicants are unable to find any support for the Examiner's rejection of claim 31 under 103(a) within the current office action. The Examiner's comments with respect to claims 26-33 (pages 13 and 14) appear to be primarily directed at claim 26 and do not address the limitations of claim 31.

10 **Regarding Claim 32:**

Claim 32 recites: *The method of claim 30, wherein the marketing campaign*
includes a banner ad campaign, a cross sell campaign, an event promotion campaign, a
holiday promotion campaign, a weekly promotion campaign, an up-sell campaign, or a
new product introduction campaign.

15 The Applicants are unable to find any support for the Examiner's rejection of claim 31 under 103(a) within the current office action. The Examiner's comments with respect to claims 26-33 (pages 13 and 14) appear to be primarily directed at claim 26 and do not address the limitations of claim 31.

Regarding Claim 33:

20 Claim 33 recites: *The method of claim 1, wherein the marketing attribute is*
associated with the marketing object container prior to selecting at least one marketing
object for being associated with the first marketing object container.

The Applicants are unable to find any support for the Examiner's rejection of claim 33 under 103(a) within the current office action. The Examiner's comments with respect to claims 26-33 (pages 13 and 14) appear to be primarily directed at claim 26 and do not address the limitations of claim 33.

5 **Regarding Claims 34-37:**

Claims 34-37 are introduced in response to the Examiner Interview of March 11, 2004.

As noted above, the Applicants are unable to find responses in the current office action to many of the arguments made in the response filed on Sept. 15, 2003. The Applicants request on this basis that the finality of the current office action be withdrawn.

As noted above, the Applicants are unable to find support in the current office
5 action for rejection of several of the new claims introduced in the response filed on Sept. 15, 2003. The Applicants request on this basis that the finality of the current office action be withdrawn.

Applicants believe that all pending claims are allowable and respectfully request that the Examiner issue a Notice of Allowance. Should the Examiner have questions, the
10 Applicants' undersigned representative may be reached at the number provided.

Respectfully submitted,

Chun R. Xia et al

Date: March 15, 2003



15 Steven M. Colby, Ph.D. Reg. No. 50,250
Carr & Ferrell *LLP*
2200 Geng Rd.
Palo Alto, CA 94303
Phone (650) 812-3400
20 Fax (650) 812-3444